

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JUNE 17, 2013**

The Howard County Board of Commissioners met in Regular Session on Monday, June 17, 2013, at 8:30 a.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore, Vice President Paul Wyman, and Member Brad Bray. Also in attendance were County Attorney Larry Murrell and Auditor Martha Lake.

The meeting was called to order by Sheriff Steve Rogers and conducted by President Moore. Commissioner Brad Bray led in the Pledge of Allegiance, and Commissioner Wyman offered a word of prayer.

### **IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of the June 3, 2013, Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

### **IN THE MATTER OF PUBLIC COMMENT:**

President Tyler Moore opened the floor for public comment as follows:

**Clee Oliver, 5768 West County Road 00 NS, Kokomo, Indiana:** At the October 1, 2012 Commissioner meeting the Board of Commissioners took a request Mr. Oliver made under advisement for further review (*please refer to page one, "In The Matter Of Public Comment", of the regular meeting minutes dated October 1, 2012*). Mr. Oliver now re-submits the request to consider adopting a policy that would require the County to deliver notification of meetings to any person, other than news media, who delivers an annual written request for the notices, not later than December 31<sup>st</sup> for the next year (IC 5-14-1.5-5).

### **IN THE MATTER OF DEPARTMENTAL REPORTS:**

#### **SHERIFF DEPARTMENT:**

Captain Jerry Asher distributed a report to the Board of Commissioners outlining the quotes received for the five pursuit vehicles. The report included the vendor, kind of vehicle, cost per vehicle, trade-in amount, and the total cost for the five vehicles. At the conclusion of the review Captain Asher recommended the purchase of five Chevy Tahoes from Eriks Chevrolet, in the amount of \$136,000 (includes a \$6,500 trade in value), as the lowest and most responsive bid. Sheriff Rogers gave justification for the purchase of a pursuit SUV in lieu of the Charger that included the fact that the Tahoe body sits up higher, making it a more effective vehicle for off road pursuit, as well as other situations that would require the services of an off road vehicle. A motion was made by Mr. Wyman to approve the purchase of five (5) Chevy Tahoes from Eriks Chevrolet, in the amount of \$136,000, as the lowest and most responsive quote. The motion was seconded by Mr. Bray and carried.

#### **HIGHWAY DEPARTMENT:**

Highway Engineer/Superintendent Ted Cain submitted three documents requiring the Commissioners' approval and signatures. The first document is the Limited Purchasing Agency (LPA) Consulting Contract between Howard County Board of Commissioners and Butler, Fairman and Seufert, Inc. This contract is for right-of-way services in connection with the Touby Pike Project, from Morgan Street to the new Interchange at U.S. 31, in an amount not to exceed \$37,500. Federal funds will be used to assist with right-of-way purchases (four property owners). This LPA requires signatures from all the Commissioners. The second and third documents only require the President's signature: a Uniform Policies of Relocation of Federal Funds and a Request for Federal Funds for Right-of-Ways Acquisitions in the amount of \$162,500. A motion was made by Mr. Wyman to approve the LPA Consulting Contract, in an amount not to exceed \$37,500, and the Uniform Policies of Relocation of Federal Funds and the Request for Federal Funds for Right-of-Way Acquisitions, in the amount of \$162,500, and authorize the President to sign the last two documents on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.

The County will need to move a utility that is contained in a private easement. Mr. Cain will apply for a federal grant to assist with expenses associated with moving the utility. Mr. Cain hopes to let the project around the beginning of 2014.

**COUNTY EXTENSION OFFICE:**

County Extension Officer Paul Marcellino submitted a request to purchase a copier from the Cumulative Capital Fund. He has obtained two quotes as follows:

Shearer Printing & Office Solutions	Bizhub 363	\$5,409.00
Beckley Office Equipment & Computer Center	Canon Image Runner	\$6,625.00

Mr. Marcellino invited a third vendor to submit a quote; no quote was received. He recommends purchase of the Bizhub 363 from Shearer Printing & Office Solutions, in the amount of \$5,409.00 as the lowest and most responsive quote. The maintenance agreement on this machine is about \$1,250 less than his current machine. A motion was made by Mr. Wyman, seconded by Mr. Bray, and carried to purchase the Bizhub 363, in the amount of \$5,409.00 from the Cumulative Capital Fund, as the lowest and most responsive quote.

**VETERANS SERVICE OFFICE:**

Retired Colonel Ross Waltemath submitted and reviewed the Monthly VSO Report for the month of May, 2013. In this report Mr. Waltemath added "County Death Gratuities paid out for that month" and factored it into the Federal Dollars to County Veterans". Mr. Waltemath and one of his employees attended a workshop last week. One of the things he learned while he was there is that he is one of the few County Veterans Service Officers who has his own office and personnel. He issued a hearty "thank you" to the Board of Commissioners. House Bill 1387 was passed. That bill will require Mr. Waltemath and Ms. Richey to attend a five-day accreditation course in Indianapolis next year. The other changes will not affect our county as we are already a full time office with personnel.

**CLERK AND VOTER REGISTRATION OFFICES:**

Howard County Clerk Kim Wilson, and Voters Registration Officers Susan Kennedy and Carol Shallenberger, were in attendance to submit a re-precincting ordinance. Because one of their main software companies has been down since last week (39 Degrees North) the paperwork is not yet ready. Ms. Wilson would like to submit the Ordinance before having to report it to the State Board of Accounts on June 21<sup>st</sup>, and asked if the Commissioners would consider calling a Special Session for this week. A motion was made by Mr. Wyman to set a Special Session of the Howard County Board of Commissioners at 11:00 a.m. on Wednesday, June 19, 2013 to discuss the Re-precincting Ordinance. The motion was seconded by Mr. Bray and carried. Mr. Murrell expressed appreciation to Ms. Wilson, Ms. Kennedy, and Ms. Shallenberger for all the hours of work invested in this project.

**PLAN COMMISSION OFFICE:**

- 1) Plan Commission Director Greg Sheline informed the Commissioners that all nine of the Flood Mitigation Properties have been excavated, and Mr. Sheline has inspected them all. Alliance Excavating did an excellent job and asked to be able to submit the final invoice. Mr. Sheline believes the final seeding will be done this week. Alliance and Mr. Sheline will be accompanying the Health Department as they inspect the septic systems.
- 2) There are still three to four more flooded homes that need assistance. Mr. Sheline has contacted Ms. Jan Crider at Homeland Security to be on the lookout for available FEMA funds. If funds are available, the process will take about a year.
- 3) Mr. Sheline has put together a Flood Mitigation Plan Update Committee. It is a five person committee that includes Mr. Sheline, Commissioner Wyman, Carey Stranahan (City Engineer), Dave Duncan (Surveyor), and Larry Smith (EMA). The Commissioners approved the committee by consensus.

**INFORMATION SYSTEMS / AUDITOR OFFICE:**

Information Systems Director Terry Tribby informed the Commissioners that the next phase of the Document Imaging and Management Project is the Auditor's Office. The Auditor's Office holds many important documents that need to be digitized for emergency purposes. Hard copies will remain in the Auditor's office, a digital copy will be stored locally, and an additional copy will be kept off site. He believes this is necessary for disaster preparedness and recovery. From the Auditor's point of view, digitizing these records will improve retrieval for purposes of assisting the tax payer in property and deduction issues. Mr. Tribby submitted and reviewed a pricing estimate for the first phase of this project which is licensing. The vendor is SBS Group Information & Records Associates and the price for the first phase is up to \$45,000. The second phase of the project is Scanning/Indexing. SBS does not do on-site scanning and we will not release the records for off-site scanning and indexing. Mr. Tribby and Auditor Lake are interviewing other companies that will allow on-site scanning. Ms. Lake is in

conversation with US Imaging, a company that has worked with the Recorder's Office, and with the Auditor's Office in their imaging of plat books, last year. They will come on site to do the back scanning and the indexing. Ms. Lake has submitted an Additional Appropriation Request for up to \$100,000 for the total project, from the Ineligible Homestead Deduction Fund. The expense for this phase of the project will be not more than \$45,000. At the conclusion of the review, a motion was made by Mr. Wyman to approve the Auditor Scanning and Indexing Project Contract with SBS Information and Records Associates, in an amount not to exceed \$45,000 for the licensing, software, and training portion of the project, and authorize the President to sign on behalf of the Board of Commissioners when the final contract has been received and reviewed by the County Attorney. The motion was seconded by Mr. Bray and carried.

**MAINTENANCE DEPARTMENT:**

Buildings & Grounds Superintendent Scott Reed informed the Board of Commissioners that his department has taken steps to resolve the odor issue in the Courthouse. There have been several weather delays but he hopes the project is finished by the end of the week.

**IN THE MATTER OF CLAIMS AND REPORTS:**

Auditor Martha Lake submitted the claims and reports for the Commissioners' information and approval:

1. **Operating Claims:** The Commissioners' Operating Claims payable today, in the amount of \$470,129.49, were submitted and approved on a motion made by Mr. Bray and seconded by Mr. Wyman.
2. **Salary Claims:** The Commissioners' Salary, Hourly and Overtime Claims payable June 21 and June 28, 2013, in the amount of \$363,439.87 each, were submitted and approved on a motion made by Mr. Bray and seconded by Mr. Wyman.
3. **Monthly Reports:** Ms. Lake submitted the monthly Clerk Report for the month ending May 31, 2013; the EMA May and June Calendars and the June Activity listing; the Treasurer's Report for the month ending May 31, 2013. A motion was made by Mr. Bray to accept all three reports as submitted. The motion was seconded by Mr. Wyman and carried.

**IN THE MATTER OF COUNTY ATTORNEY ISSUES:**

On behalf of the Howard County Health Department, County Attorney Larry Murrell submitted a contract with MD Wise. MD Wise is a company that provides health services for the Health Department, and this is a revision of a former contract. Assistant County Attorney Alan Wilson has reviewed the contract and given approval. A motion was made by Mr. Wyman to approve the revised contract with MD Wise, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.

**IN THE MATTER OF COMMISSIONER ISSUES:**

**COMMISSIONER WYMAN:**

Mr. Wyman informed the Commissioners that the Downtown Grant Committee has approved a grant application from Country Cottage. The paperwork and Memorandum of Understanding will be submitted for approval at the July 1<sup>st</sup> meeting.

**COMMISSIONER MOORE:**

Mr. Moore submitted an invitation received from the Drug Court, to the Board of Commissioners, for a Graduation Ceremony at noon on Wednesday, June 19, at Rozzi's.

**IN THE MATTER OF PUBLIC COMMENT:**

President Moore opened the floor for Public Comment from the Howard County Concerned Citizens (HCCC) and residents as follows:

**Grace April**, 12765 East County Road 100 North, Greentown, Indiana: Ms. April gave comment and submitted petitions gathered and signed, concerning the Wildcat Wind Farm, Phase II.

**Attorney Brian Heck**, attorney for the Howard County Concerned Citizens (HCCC) from Beckman Lawson, Fort Wayne, Indiana: He and his partner Attorney Pat Hess have been involved with Wind Farm issues in DeKalb County, Whitley County, Wells County, Tipton County, Grant County, and now Howard County. He has reviewed our current Zoning Ordinance and has concluded it is not adequate to protect the citizens of Howard County. In most districts Wind Farms are included in the Special Exception classification. In Howard County they are listed under Permitted Use. **The HCCC would like some protection by making Wind Farms undergo a project by project review and Public Hearing conducted by the Plan Commission or the Board of Zoning Appeal. He submitted the request to impose an immediate moratorium on Wind Turbine installation permits, and direct the Plan Commission to amend the Zoning Ordinance, changing Wind Farms to “Special Exception”, and amend requirements concerning an increase in set-back distances, a decrease in noise level, reduction of shadow flicker, and to include a guarantee on property values.** He believes the Board of Commissioners has taken enough time to consider the moratorium request. On behalf of the HCCC, Mr. Heck demanded a yes or no answer concerning the moratorium request, and a yes or no answer concerning whether the Commissioners will include the moratorium discussion on the next Regular Meeting.

On behalf of the Board of Commissioners, Commissioner President Moore replied that the Commissioners will not issue a moratorium against permits for wind turbines, nor will they issue a directive to the Plan Commission, at today’s meeting. The Commissioners will not commit to including Moratorium discussion on the July 1<sup>st</sup> Commissioner Meeting agenda. They will continue to consider and discuss, and negotiate this issue until they are prepared to take action. No applications for permits have been received from the Wildcat Wind Farm.

Comments were also given by the following:

**Merlin Hall, Eastern Howard County**  
**Susan Cox, Howard County**  
**Darryl Merry, Tipton County, Phase I of the Wildcat Wind Farm**  
**Teresa Swartz, 1706 South Webster Street, Kokomo**  
**Alice Richey, Grant County**  
**Troy King, 7804 East County Road 200 North**  
**Allen Instrum, 10864 East 400 South, Phlox, Indiana**  
**Paula Hummer, 2606 North County Road 1350 East, Greentown**  
**John Garr, Howard County**  
**Randy Wimmer, Eastern Howard County**  
**Cherie Weeks, Howard County**  
**Jane Garr, Howard County**

*The Regular Board of Commissioner Meeting was recessed on a motion made by Mr. Wyman and seconded by Mr. Bray at 11:05 a.m., to hold a previously scheduled Drainage Board Meeting.*

*The Regular Commissioner Meeting was reconvened at 11:52 a.m. on a motion made by Mr. Wyman and seconded by Mr. Bray*

President Moore continued Public Comment as follows:

**Darryl Pennycoff, 1976 West County Road 500 South**  
**Mark Getty, 3340 South County Road 1250 East**  
**Kim McNeal, 1601 Bramoor Drive, Chippendale, Kokomo**  
**Laura De Carlo, 4705 Bramoor, Chippendale, Kokomo**

*There being no further business to come before the Board of Commissioners at this time,  
the Regular meeting was adjourned at 12:20 p.m.  
on a motion made by Mr. Wyman and seconded by Mr. Bray.*

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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TYLER O. MOORE, PRESIDENT

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PAUL G. WYMAN, VICE PRESIDENT

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ROBERT B. BRAY, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR  
Howard County Commissioner Meeting July 17, 2013